

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**V.**

**ANDREW N. YAO,**

**Defendant.**

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)  
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)  
) **Criminal Action No. 06-27-GMS**  
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)

**UNOPPOSED MOTION FOR CONTINUANCE OF SENTENCING**

The United States of America, by its attorneys, Shannon Thee Hanson and Douglas E. McCann, Assistant United States Attorneys, and Colm F. Connolly, United States Attorney for the District of Delaware, respectfully requests a continuance in this matter. In support of this motion, counsel avers as follows:

1. On March 28, 2006, the grand jury returned a fourteen (14) count indictment against defendant Andrew Yao, charging him with mail, wire and bankruptcy fraud, false statements to a bank, and illegal monetary transactions. Docket Item ("D.I.") 2.

2. On March 12-14, 2007, Counts 13 and 14, were tried before a jury in the District of Delaware.<sup>1</sup> The defendant was convicted on both counts. D.I. 45. At the government's request, the Court dismissed the remaining counts without prejudice in the District of Delaware on May

<sup>1</sup> On October 13, 2006, the defendant filed motions and supporting memoranda to dismiss Counts 1-12 of the Indictment. D.I. 16 & 17. On November 9, 2006, government counsel wrote to the Court (copying defense counsel) indicating that it would dismiss Counts 1-12 of the Indictment, with the intention of prosecuting these charges against defendant Yao in the Eastern District of Pennsylvania. D.I. 19. No motions were filed with respect to Counts 13 and 14, which went to trial before the Court.

17, 2007. D.I. 49 & 50. Ten of those counts were reindicted in the Eastern District of Pennsylvania on May 23, 2007. The defendant's initial appearance and arraignment on the outstanding charges in Pennsylvania was held on June 14, 2007.

3. The defendant's Delaware sentencing is scheduled for June 21, 2007 at 9:15 a.m.

4. Between the March 2007 verdict and the indictment of the defendant in the Eastern District of Pennsylvania, the parties diligently attempted to reach a global resolution of the remaining charges. That attempt failed. In light of the parties' plea negotiations, the presentence investigation process did not move forward in its typical fashion. For example, the defendant first met with the probation officer on June 7, 2007. Accordingly, and to insure that the Probation Office has all necessary and sufficient information to prepare a thorough presentence investigation report, the parties respectfully request that sentencing be postponed to a date certain between September 1 and October 1, 2007.

5. Government counsel has reviewed this Motion with Brian McMonagle, counsel for Mr. Yao and can represent to the Court that Mr. McMonagle does not oppose granting this Motion.

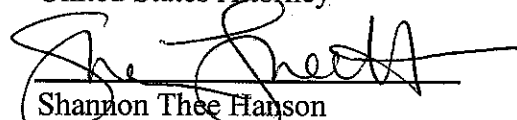
7. WHEREFORE, the government respectfully requests that the Court grant the

sentencing continuance. A proposed Order is attached.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

BY:

A handwritten signature in black ink, appearing to read "Shannon Thee Hanson", written over a horizontal line.

Shannon Thee Hanson  
Douglas E. McCann  
Assistant United States Attorney  
1007 Orange Street, Suite 700  
Wilmington, Delaware 19899  
(302) 573-6277 x128

Dated: June 15, 2007

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[illegible]

**Criminal Action No. 06-27-GMS**

## ORDER

And now, this day of June, 2007, the Court being advised of (1) the need for additional time to complete the presentence report in the above-case; (2) the request that sentencing be set between September 1, 2007 and October 1, 2007; and (3) the government's representations to the Court that counsel for defendant Yao does not oppose the relief requested in the Motion,

**IT IS HEREBY ORDERED** that sentencing in this case be continued from June 21, 2007 until \_\_\_\_\_.

The Honorable Gregory M. Sleet  
United States District Judge

**CERTIFICATE OF SERVICE**


I hereby certify that two copies of the attached Motion to Continue Sentencing were sent by first-class mail on June 15, 2007 to the following:

Brian McMonagle, Esq.  
McMonagle Perri McHugh and Mischak  
One Penn Square West, Suite 701  
30 S. 15th Street  
Philadelphia, PA 19102

Counsel for Andrew N. Yao

and

Mr. Walter P. Matthews, III, Esq.  
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Shannon Thee Hanson  
Assistant United States Attorney